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In the Supreme Court of the  
United States

OCTOBER TERM, 1975

No. 75-1915

BLANCHE DAVID,

*Petitioner,*

v.

STATE OF CALIFORNIA, CECIL E. POPE and MARGARET S. POPE,  
CECIL E. POPE and MARGARET S. POPE, and  
their insurers of contingent liabilities,  
JOHN A. PUTKEY, DUANE E. CLAPP, JR., RICHARD B. MELBYE,

*Respondents.*

**Brief in Opposition to Petition  
for Writ of Certiorari**

EVELLE J. YOUNGER

Attorney General of the  
State of California

ELIZABETH PALMER

Chief Assistant Atty. General

ROBERT L. BERGMAN

Assistant Attorney General

WAYMAN M. ROBERTSON, JR.

Deputy Attorney General

6000 State Building

San Francisco, California 94102

Telephone: (415) 557-0700

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## Brief in Opposition to Petition for Writ of Certiorari

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### ARGUMENT

Review of the decision of the Court of Appeals for the Ninth Circuit is inappropriate since that Court properly decided that there was "no conceivable jurisdictional basis for this action."

Respondent State of California is immune from liability. Under the Eleventh Amendment to the United States Constitution, the Federal courts lack judicial power to decide suits against a sovereign state brought by citizens of the

same state. *Employees v. Missouri Public Health Dep't* (1973), 411 U.S. 279; *Hans v. Louisiana* (1890), 134 U.S. 1.

### CONCLUSION

It is respectfully urged that the petition for writ of certiorari be denied.

Respectfully submitted,

EVELLE J. YOUNGER

Attorney General of the  
State of California

ELIZABETH PALMER

Chief Assistant Atty. General

ROBERT L. BERGMAN

Assistant Attorney General

WAYMAN M. ROBERTSON, JR.

Deputy Attorney General

*Attorneys for Respondent  
State of California*